



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/662,532

09/15/2000

Simon Peter Valentine

3 Com-82 (3074US)

1917

7265

7590

06/14/2004

MICHAELSON AND WALLACE
PARKWAY 109 OFFICE CENTER
328 NEWMAN SPRINGS RD
P O BOX 8489
RED BANK, NJ 07701

EXAMINER

JUNTIMA, NITTAYA

ART UNIT

PAPER NUMBER

2663

6

DATE MAILED: 06/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/662,532

Applicant(s)

VALENTINE ET AL.

Examiner

Nittaya Juntima

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 11, 13-15 is/are rejected.
- 7) ☒ Claim(s) 4, 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the amendment filed on March 30, 2004.
2. The rejection to claims 1-15 under 35 U.S.C. 112, second paragraph is withdrawn in view of applicant's amendment.
3. Claims 1-3, 5-9, 11, and 13-15 are rejected under 35 U.S.C. 103 (a).
4. Claim 12 is allowed, and claims 4 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Drawings

5. The drawings are objected to because drawing elements in Fig. 1 need labels. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

6. The abstract of the disclosure is objected to because the inclusion of legal phraseology. Correction is required. See MPEP § 608.01(b).

Claim Objections

7. Claims 4 and 12 are objected to because of the following informalities:

Art Unit: 2663

- in claim 4, line 4, "a phone" should be changed to "said one phone;" and
- in claim 12, line 20, an indent should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-3, 5-9, 11, and 13-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood (USPN 6,108,702) in view of Isaka et al (USPN 6,658,020 B1).

Per **claim 1**, as shown in Figs. 2 and 9, Wood teaches *a plurality of managed devices* (switch B and hub A) connected in *a network* (network shown in Figs. 2 and 9), *establishing an address for each of the managed devices to define a plurality of addresses* (since info. regarding devices and their source address table info. are obtained, col. 2, ll 11-14 and col. 12, ll 15-22, 28-37, therefore, address for each of the managed devices must be established), and *establishing a type of each managed device in the network* (obtaining a list of managed devices which contains a type of each managed device, col. 12, ll 18-19).

Wood further teaches a managed switch B connecting to an unmanaged shared media device in Fig. 2, establishing an address for the unmanaged shared media device and the managed switch B (since info. regarding devices and their source address table info. are obtained, col. 2, ll 11-14 and col. 12, ll 15-22, 28-37, therefore, address for the unmanaged shared media device and the switch B in Fig. 2 must also be established), accessing relevant

Art Unit: 2663

info. in the switch B by establishing correspondence between the unmanaged shared device and its address (source address) (col. 12, ll 29-37 and 62-col. 13, ll 1-5), displaying the topology of the network including the unmanaged shared device (col. 12, ll 27).

However, Wood fails to teach a telephone controller, an unmanaged phone, establishing an address for the unmanaged phone and the telephone controller, determining which of the remaining devices are phones by accessing relevant information in the telephone controller by establishing correspondence between the unmanaged phone and its address and using the correspondence to provide a display of topology of the network including the unmanaged phone.

As shown in Fig. 1, Isaka et al. teach connecting an IP telephone 200 to a LAN switch 110 (col. 4, ll 3-6, see also Abstract).

Given the teaching of Isaka et al., it would have been obvious to one skilled in the art to replace the switch B and the unmanaged shared device in Fig. 2 of Wood with an IP phone 200 and a LAN switch 110 of Isaka such that the IP phone would be working as an unmanaged phone and the LAN switch would be working as a telephone controller, an address for the unmanaged phone and the telephone controller would then be established, the relevant info. in the telephone controller would be used to determine which of the remaining devices are phones (e.g. address of unmanaged device = address of IP phone) by establishing correspondence between the unmanaged phone and its address, and a display of topology of the network including the unmanaged phone would be provided using such correspondence as recited in the claim. The motivation/suggestion to do so would have been to carry out voice data communications (Isaka et al., col. 4, ll 3-4) while still being able to provide accurate topology of the network (Wood, Abstract, ll 1-9).

Art Unit: 2663

Per **claims 2, 8, and 15**, Wood teaches obtaining information stored in a memory (source address table) (source address of the unmanaged device stored in a source address table residing in the managed device, i.e. switch B, is obtained, col. 12, ll 62-col. 13, ll 1-5 and 15-17). Isaka et al. teach the telephone controller (LAN switch 110 in Fig. 1).

Per **claims 3 and 9**, Wood teaches that the addresses comprise MAC address (source addresses are physical addresses, i.e. MAC addresses as known in the art, of the device attached to the managed device, col. 12, ll 62-1-5).

Per **claims 5 and 11**, Wood teaches converting information relating the devices including the managed switch B and the unmanaged device in Fig. 2 into a visual display on a visual display apparatus (a display of the monitoring system, col. 12, ll 4-7) representing a physical relationship among the devices (col. 12, ll 27). Isaka et al. teaches the telephone controller (LAN switch 110) and the phone (IP telephone 200 in Fig. 1).

Claims 6-7 and 13 are computer program claims corresponding to method claim 1, and are therefore rejected under the same reason set forth in the rejection of claim 1 with an addition that the combined teaching of Wood and Isaka et al. does not teach a computer readable medium loadable into a digital computer and software. However, it would have been obvious to one skilled in the art to include a computer readable medium loadable into a digital computer and software into the combined teaching of Wood and Isaka et al. The suggestion/motivation to do so would have been to provide a portable and computer compliant container for the computer program and to control the functioning of computer hardware and direct its operation, respectively.

Art Unit: 2663

Claim 14 is a computer network corresponding to method claim 1, and is therefore rejected under the same reason set forth in the rejection of claim 1

Allowable Subject Matter

10. Claim 12 is allowed. The prior art alone or in combination fail to teach or make obvious on the following when considered in combination with other limitations in the claim:

Claim 12: a program step to determine if there are two MAC addresses and if one is of a phone;

if yes, a program step to provide a display of a device with a second MAC address connected to the network via an icon of the phone; and

if no, a program step to display an unmanaged aggregator display cloud.

11. Claims 4 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nittaya Juntima whose telephone number is 703-306-4821. The examiner can normally be reached on Monday through Friday, 8:00 A.M - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2663

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nittaya Juntima
June 8, 2004

10
ANDY LEE
PATENT EXAMINER

